

JOURNAL OF THE HOUSE.

Thursday, October 7, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petruccelli of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, we believe that we live every moment of the day in Your presence. You are always with us and You care for us. Each day, as we address our responsibilities, we look to You for guidance. Inspire us to make thoughtful, wise and prudent decisions as we face current complex sensitive issues and public policy matters. On Monday, a holiday, we recall the accomplishments and courage of Christopher Columbus. The celebration reminds us of his desire for new knowledge and information about the world in which he lived. May we use our new knowledge and our scientific breakthroughs in a responsible and ethical manner.

Grant Your blessings to the Speaker, the members of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petruccelli), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Arthur and Shirley Gath.

Resolutions (filed by Representatives Khan of Newton and Spilka of Ashland) congratulating Arthur and Shirley Gath on the occasion of their sixty-fifth wedding anniversary; and

Arlington-Nagaokakyo.

Resolutions (filed by Mr. Marzilli of Arlington) honoring the Arlington-Nagaokakyo Sister-City relationship;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Marzilli, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Wareham Industrial Development Corporation.

The House Bill abolishing the Wareham Economic and Industrial Development Corporation and the Wareham Community Development Authority (House, No. 4566) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2397; and striking out the title and inserting in place thereof the following title: "An Act creating a community and economic development authority in the town of Wareham."

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill establishing a sick leave bank for Linda J. Magno, an employee of the Department of Mental Retardation (House, No. 5031) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following sentence: "Whenever said Linda J. Magno terminates employment with said department or requests to dissolve the sick leave bank, the balance of the sick leave time shall be transferred to the extended illness leave bank."

Linda J. Magno, sick leave bank.

Under suspension of Rule 35, on motion of Mr. Rodrigues of Westport, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A Bill relative to the Community Development Authority in the city of Marlborough (Senate, No. 2440, amended by the Senate adding the following section:

Marlborough, development.

"SECTION 2. Section 1 shall not effect the terms of the current members of the Community Development Authority of the city of Marlborough as of the effective date of this act.") (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill was read a second time forthwith; and it was ordered to a third reading.

A Bill relative to the water supply protection trust (Senate, No. 2488) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Water supply trust.

The following notice was received from the Clerk of the Senate, to wit:—

October 5, 2004.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 — State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that Senate President Robert E. Travaglini has appointed Senators Susan C. Fargo, Pamela P. Resor, Susan C. Tucker, Marian Walsh and Harriette L. Chandler to serve on the Special Commission established (pursuant to Item 4512-0200,

Cervical cancer, commission appointments.

contained in Section 2, of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the diagnosis, prevention and treatment of cervical cancer in the Commonwealth.

Sincerely,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of John J. Binienda, Guy W. Glodis and Paul K. Frost relative to the Cherry Valley and Rochdale Water District. To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill) of Geoffrey D. Hall, Pamela P. Resor, Thomas A. Golden, Jr., David M. Nangle, Cory Atkins, Susan C. Fargo and another relative to designating a certain bridge in the town of Chelmsford as the Marine Lance Corporal Andrew J. Zabierek Memorial Bridge. To the committee on State Administration.

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to creditable service for service rendered as a school nurse (House, No. 4677) ought to pass with an amendment by adding at the end thereof the following two sections:

“SECTION 2. Subdivision (4) of section 5 of said chapter 32, is hereby amended by adding at the end thereof the following clause:—

(iii) Notwithstanding the seventh sentence of clause (i) of subdivision (4) of this section the teachers’ retirement board and the State-Boston retirement board may allow a school nurse who is an active member of said system to elect into the alternative superannuation retirement benefit program; provided that said member shall make retirement contributions to the system as if said member had elected into said program on or before July 1, 2001, plus regular interest.

SECTION 3. Notwithstanding any general or special law to the contrary, any school nurse who is a member of the teachers’ retirement system or the State-Boston retirement system who elects to participate in the alternative superannuation retirement benefit program pursuant to section 1 of this act must file an application with the state teachers’ retirement board or the State-Boston retirement board no later than the end of the 90-day period immediately following the effective date of this act. The application must be made on such form as the state teachers’ retirement board or the State-Boston retirement board shall prescribe. The election to participate in the alternative superannuation retirement benefit program shall be irrevocable and shall be subject to clause (i) of said subdivision (4) of section 5 of said chapter 32.” Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Cherry
Valley and
Rochdale
Water District.
Chelmsford,
Zabierek
Bridge.

School
nurses.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the bill, as amended, was ordered to a third reading.

Under suspension of the rules, on further motion of Mr. Lepper, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4677, amended) then was sent to the Senate for concurrence.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill establishing a presumption relative to the disability retirement of a certain firefighter in the city of Salem (House, No. 5094) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill authorizing the State Board of Retirement to grant creditable service to Joseph A. Quinlan (Senate, No. 2116) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. O’Brien of Kingston, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

The engrossed Bill authorizing cities, towns and regional districts to send certain information to registered voters (see Senate, No. 2221, amended) (which originated in the Senate), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill validating the results of the annual town elections held in the town of Falmouth on May 18, 2004 (see Senate, No. 2410) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Salem,
William
Hudson.

Joseph A.
Quinlan,
retirement.

Bill
enacted.

11

Bill
enacted.

The engrossed Bill relative to disability insurance (see House, No. 5018) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Students,
transportation.

The engrossed Bill relative to the transportation of certain persons (see House, No. 5083), being a printed copy of Section 30 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4850), which had been returned by His Excellency the Governor with commendation of amendment (for message, see Attachment C of House, No. 5082), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 74 of the General Laws is hereby amended by striking out section 8A, as most recently amended by section 130 of chapter 149 of the acts of 2004, and inserting in place thereof the following section:—

Section 8A. A municipality wherein a person resides who is admitted to a day school in another municipality under section 7, shall, through its school committee, when necessary, provide for the transportation of such person, and shall, subject to appropriation, be entitled to state reimbursement to the full extent of the amount so expended; provided, that such a municipality wherein a person is placed by the department of social services or the trustees of the the Massachusetts training schools who is admitted as aforesaid to a day school in another municipality shall similarly provide for the transportation of such pupil to such school and shall, subject to appropriation, be entitled to state reimbursement to the full extent of the amounts so expended; provided further, that no transportation shall be provided for, or reimbursement made on account of, any pupil who resides less than 1½ miles from the school which he attends. A municipality shall not be required under the provisions of this section to provide for the transportation of a person who has completed the twelfth grade of school or the equivalent thereto.”.

The report was accepted.

The amendment recommended by the Governor then was adopted. Sent to the Senate for its action.

House bills

Third
reading
bills.

Authorizing the treasurer of the town of Brookline to invest the trust funds of said town (House, No. 4400) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Nicholas Enterprises, Inc. (House, No. 4985);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

Next
sitting.

At twenty-two minutes after twelve o'clock noon, on motion of Mr. Lepper of Attleboro (Mr. Petruccelli of Boston being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.